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11 Attorneys for Defendants
GUADALUPE HERNANDEZ, and HECHO en MEXICO, INC.
12

13 UNITED STATES DISTRICT COURT
14 EASTERN DISTRICT OF CALIFORNIA

16 Richard Sepulveda,

17 Plaintiff,

18 v.

19 Guadalupe Hernandez, individually and dba
Taqueria Hecho en Mexico; Hecho en Mexico,
20 Inc., individually and dba Taqueria Hecho en
Mexico; Trystan Roberts; and Does 1 to 50,

21 Defendants.

Case No: 2:24-cv-01263-DJC-JDP

**STIPULATION TO VACATE AND SET
ASIDE CLERK'S ENTRY OF DEFAULT
AGAINST DEFENDANTS GUADALUPE
HERNANDEZ, and HECHO en MEXICO,
INC.; ORDER**

Complaint Filed: April 30, 2024
Trial Date: None Set

1 TO THE COURT AND ALL INTERESTED PARTIES AND THEIR COUNSEL OF RECORD:

2 Plaintiff RICHARD SEPULVEDA (“Plaintiff”) and Defendants GUADALUPE HERNANDEZ
3 and HECHO en MEXICO, INC. (collectively, “Defendants”), hereby stipulate to vacate and set aside
4 the Clerk’s Certificate of Entry of Default entered on July 1, 2024 (Dkt. 7) as to Defendants.

5 **RECITALS**

6 **WHEREAS**, on April 30, 2024, Plaintiff filed his Complaint, alleging Defendants violated the
7 Americans With Disabilities Act and Violation of California’s Civil Rights Statutes.

8 **WHEREAS**, on May 7, 2024, Plaintiff sub-served Defendant Guadalupe Hernandez,
9 individually and dba Taqueria Hecho en Mexico;

10 **WHEREAS**, on May 3, 2024, Plaintiff sub-served Defendant Hecho en Mexico, Inc.,
11 individually and dba Taqueria Hecho en Mexico;

12 **WHEREAS**, on May 14, 2024, Plaintiff filed his Summons Returned Executed (Dkt. 5);

13 **WHEREAS**, Defendants failed to respond to Plaintiff’s Compliant within twenty-one (21) days
14 of service;

15 **WHEREAS**, on April 30, 2024, the clerk entered default against Defendants as requested (Dkt.
16 7);

17 **WHEREAS**, Defendants have since retained Fisher & Phillips, LLP to represent them in the
18 above-captioned matter;

19 **WHEREAS**, subject to the entry of the default, counsel for the Parties met and conferred and
20 agreed to stipulation to set aside the default;

21 **WHEREAS**, the Parties hereby agree it is in the interest of justice to conserve court and party
22 resources in unopposed motions to vacate and set aside default simply so the matter may proceed; and

23 **IT IS HEREBY STIPULATED** by and between Plaintiff and Defendants that the Clerks Entry
24 of Default entered on April 30, 3024 (Dkt. 7) as to Defendants be vacated and set aside, and that
25 Defendants shall file a responsive pleading within twenty-one (21) days of entry of order on this
26 stipulation.

27 **GOOD CAUSE** exists for the stipulated relief as Defendants seek to have the default set aside
28 within less than 45 days after the default was entered. It is in the interest of justice to set aside defaults

1 so that cases may be decided on their merits, particularly when doing so can be done through stipulation,
2 rather than expending unnecessary court and party resources in unopposed motions.

3 **IT IS SO STIPULATED.**

4
5 Dated: August 30, 2024

LAW OFFICES OF RICHARD A. MAC BRIDE

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7 By: /s/ Richard Mac Bride [as authorized on 8.30.24]
Richard Mac Bride

8
9 Attorneys for Plaintiff
RICHARD SEPULVEDA

10
11 Dated: August 30, 2024

FISHER & PHILLIPS LLP

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13 By: /s/ Christina M. Anton

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15 Alden J. Parker
Christina M. Anton

16
17 Attorneys for Defendants
GUADALUPE HERNANDEZ, and HECHO en
MEXICO, INC.

ORDER

Pursuant to stipulation of the Parties, and good cause appearing, the Requests for Entry of Default against Defendants GUADALUPE HERNANDEZ, and HECHO en MEXICO, INC., are hereby set aside.

Defendants shall file a responsive pleading within twenty-one (21) days of entry of order on this stipulation.

IT IS SO ORDERED.

Dated: August 30, 2024

/s/ Daniel J. Calabretta

THE HONORABLE DANIEL J. CALABRETTA
UNITED STATES DISTRICT JUDGE